IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 10/10/2003

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THE HONOURABLE MR.JUSTICE A.K.RAJAN

Writ Petition No.4080 of 1997

Aided College Teachers'
Association rep. by its
General Secretary ..... Petitioners

-Vs-

1. Director of Collegiate Education
Madras 6.

2. The Secretary
Housing and Urban Development
Department, Fort St.George
Madras 9.

3. The Secretary to Government
Finance Department
Madras ..... Respondents

Prayer: Petition filed under Article 226 of the Constitution of India, praying to issue a writ of Mandamus, as stated therein.

For Petitioners : Mr.Ganesh

For Respondents : Mr.R.Vijaya Kumar
Government Advocate for R1 to R3.

:ORDER
This writ petition is for the issuance of a writ of mandamus, to direct the respondents to give the House Rent Allowance to the petitioners' members working within Trichirappalli and Salem Municipalities which has been upgraded and classified as grade B.2 with effect from 0 1.04.1994, in accordance with the rates for each ones pay scale as per the Government of India Order issued on 31.10.1995 in its Ref.No.2(37)/94-E II (B)-I Ministry of Finance/Department of Exp. New Delhi.
2. The petitioner is the Aided College Teachers Association represented by its General Secretary. This Association has been formed consisting of employees from Salem and Trichirappalli Municipalities. The Ministry of Finance, New Delhi by its communication dated 31.10.1995 , notified that as per the Census of 1991, they have reclassified and upgraded the Trichirappalli and Salem Municipalities as 'B-2' City for the purpose of

House Rent Allowance to the Central Government Employees and the same was came into force with effect from 01.04.1994. Pursuant to the upgradation, individual residing within the said Municipal limits have to pay the increased tax towards water and other civic amenities apart from house tax which has increased to 400%. The petitioners' association wrote to the respondents requesting for revision to be made in the payment of House Rent Allowance accordingly. But, till date nothing has been done. In spite of repeated representations, their request has not been complied with.
3. The learned counsel for the petitioner submitted that inasmuch as the Trichirappalli and Salem Cities have been upgraded to 'B-2' Grade cities, the water charges and HRA are increased as per the direction of the Central Government Order in Ref.No.2(37)/94-E II (B)-I Ministry of Finance/Department of Exp. New Delhi. But, the Tamil Nadu Government has not ordered for the increase of HRA and therefore, the present writ petition has been filed.

4. It is to be noted that the Central Government has passed an order increasing the HRA payable to its employees. It is only applicable to the Central Government employees and the State Government employees cannot claim as a matte of right that they may also be paid the same percentage to its employees. Therefore, the prayer in the writ petition cannot be granted.

5. The learned counsel petitioner further submitted that at least the Government may be directed to consider the petitioners' association request to increase the House Rent Allowance. This direction cannot be given by this Court since there is no legal duty caused on the Government to consider this aspect. At the same time, it is open for the petitioner to approach the Government and request them to increase the House Rent Allowance and it is for the Government to decide as a matter of policy in this matter.

6. In the result, the writ petition is dismissed. No costs.

Index:Yes
Internet:Yes

ksr

To

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